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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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WENDEROTH LIND & PONACK 2033 K STREET NW SUITE 800 WASHINGTON, DC 20006		EXAMINER LUU, SY D		
		ART UNIT 2174		PAPER NUMBER 13

DATE MAILED: 02/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/581,748

Applicant(s)

YANAGAWA ET AL.

Examiner

Sy D Luu

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 46-90 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 46-90 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. This communication is responsive to Amendments C and D, filed 6/26/03 and 7/15/03 respectively.
2. Claims 46-90 are pending in this application. Claims 46, 63, 74, 77, 80, 82, 84 and 90 are independent claims. In the Amendments C and D, claims 1-45 were cancelled and new claims 46-90 were added. This action is made Final.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 46-90 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term " operable" being recited in claim 46 as well as in numerous other claims is a relative term which renders the claim indefinite. The term " operable" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The usage of this term is vague and fails to show positive assertiveness.

Claim Objections

6. Claim 64 is objected to because of the following informalities: line 4 should be concatenated with line 3. Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. Claims 46-48, 50, 52, 62, 74-75, 77-78, 84-86, and 88-89 are rejected under 35 U.S.C. 102(e) as being anticipated by Yoshino et al. ("Yoshino", US 6,131,111).

As per claim 46, Yoshino teaches a network control system comprising:

a device (figs. 15 and 19); and

a first unit having included therein a controller operable to control said device, said controller comprising a user interface including a display (figs. 15 and 18), and a second unit, connected to said first unit through a transmission path, having said device included therein (fig. 1, col. 3, lines 14-20),

wherein at least one of said first unit and said second unit is operable to handle at least one of video data, audio data, and information data (col. 3, lines 14-20),

wherein said device has screen display data for displaying an operating screen of said device and identification information for identifying the screen display data (figs. 15 and 19),

wherein said device is operable to transmit the screen display data and the identification information to said controller through the transmission path (col. 4, lines 48-49 and 53-67),

wherein, when a state of said device is changed, said device transmits updated screen display data to said controller, and

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wherein said controller is operable to receive the screen display data and the identification information from said device through the transmission path (col. 4, lines 58-67), to receive the updated screen display data when a state of said device is changed, to instruct said display to display the operating screen using the screen display data (figs. 15, 18 and 19), and to update the operating screen upon receiving updated screen display data from said device (col. 8, line 63 – col. 9, line 13).

As per claims 47-48 and 62, Yoshino teaches said controller is operable to instruct said display to display the operating screen further using the identification information (col. 4, lines 58-67), and wherein in response to an operation by a user to the operating screen, said controller controls said device by transmitting operation information indicative of the operation and the identification information to said device through the transmission path (col. 8, line 63 – col. 9, line 13).

As per claims 50 and 52, Yoshino teaches the operation information to include operating position information indicative of an operating position on the operating screen (col. 6, line 38; *position 501*).

Claims 74-75, 77-78, 84-86, 88-89 are similar in scope to claims 46, 50, 46, 50, 46-48, 48 and 48 respectively, and are therefore rejected under similar rationale.

8. Claims 63-67, 69-70, 72-73, 80-83, and 90 are rejected under 35 U.S.C. 102(e) as being anticipated by Takahashi et al. ("Takahashi", US 5,887,193).

As per claim 63, Takahashi teaches a network control system comprising:
a device,

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a first unit, having included therein, a controller for controller said device, said controller comprising, a user interface including a display (col. 8, line 28); and

a second unit, connected to said first unit through a transmission path, having said device included therein (figs. 2(a)-2(c); col. 6, lines 59-62),

wherein at least one of said first unit and said second unit is operable to handle at least one of video data, audio data, and information data (fig. 1; col. 6, lines 48-53), wherein said device has screen display data composed of a plurality of partial screen display data (fig. 21; col. 14, lines 18-27) for displaying an operating screen of said device (fig. 20; col. 14, lines 12-17),

wherein said device is operable to transmit the partial screen display data to said controller through the transmission path (col. 6, lines 41-45),

wherein, when a state of said device is changed, said device transmits to said controller through the transmission path, updated partial screen display data corresponding to partial screen display data in which the change of state of said device is to be reflected (col. 6, lines 41-45), and

wherein said controller is operable to receive the partial screen display data from said device through the transmission path when a state of said device is changed, to receive the updated partial screen display data, to display the operating screen on said display using the partial screen display data, and to update the partial screen display data, in which the change of state of said device is to be reflected, with the updated partial screen display data (figs. 7 and 20; col. 9, line 60 – col. 10, line 9 and col. 6, lines 45-48).

As per claim 64, Takahashi teaches when the screen display data of said device is changed, said device transmits changed partial screen display data of the screen display data to said controller and said controller receives the changed partial screen display data from said

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device through the transmission path and, based on the received partial screen display data, updates the operating screen displayed in said display (fig. 73; col. 48, lines 16-19 and lines 29-41).

As per claim 65, Takahashi teaches said device having partial screen identification information for identifying the partial screen display data (figs. 20-21; col. 14, lines 2-27) and operable transmit the partial screen display data and the partial screen identification information to said controller through the transmission path (col. 6, lines 41-45), and wherein said controller is operable to receive the partial screen display data and the partial screen identification information from said device through the transmission path (fig. 7; col. 9, line 60 – col. 10, line 9).

As per claim 66, Takahashi teaches when the screen display data of said device is changed, said device transmits changed partial screen display data of the screen display data and the partial screen identification information of the partial screen display data to said controller and said controller receives the changed partial screen display data and the partial screen identification information of the partial screen display data from said device through the transmission path and, based on the received partial screen display data and partial screen identification information, updates the operating screen displayed on said display (col. 48, lines 13-16; col. 48, lines 18-19).

As per claim 67, Takahashi teaches in response to an operation by a user to the operating screen, said controller controls said device by transmitting operation information indicative of the operation and the partial screen identification information corresponding to the operation to said device through the transmission path (col. 6, lines 45-48).

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As per claims 69-70 and 72-73, Takahashi teaches one display element in the screen display to be arranged in any one of a plurality of display parts corresponding to the plurality of partial screen display data, and a display element corresponding to each operation by the user to be arranged in any one of a plurality of display parts corresponding to the plurality of partial screen display data (figs. 20-21).

Claims 80-81 combined are similar in scope to claim 63, and are therefore rejected under similar rationale.

Claims 82-83 and 90 are similar in scope to claims 67-66 and 63 respectively, and are therefore rejected under similar rationale.

Claim Rejections - 35 USC § 103

9. Claims 53-61, 76, 79, and 87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshino et al. ("Yoshino", US 6,131,111) in view of Takahashi et al. ("Takahashi", US 5,887,193).

As per claim 53, Yoshino does not specifically teach said device to have overlap display data for overlap display on the operation, screen, and wherein said controller is further operable to instruct said display to display the overlap on the operating, screen by using the overlap display data. However, it is known in the art that overlap display data is used in such a network control environment as Yoshino's. For instance, Takahashi teaches overlap display data at figure 21 and col. 14, lines 18-27. It would have been obvious to an artisan at the time of the invention to combine Takahashi's teaching with Yoshino's system in order to provide the system with an exceedingly efficient means for managing display data.

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As per claims 54-55, Takahashi further teaches cursor information that includes position information (col. 13, lines 12-13).

As per claims 56-59, Takahashi inherently teaches that the cursor information includes shape, size, color, and enable information (fig. 22; col. 16, lines 1-38).

As per claim 60, Yoshino teaches when a display part corresponding to the overlap display data of said device is changed, said device transmits the overlap display data to said controller and said controller receives the overlap display data from said device through the transmission path and, based on the received overlap display data, updates the operating screen displayed on said display (col. 4, lines 58-67; figs. 15, 18 and 19; col. 8, line 63 – col. 9, line 13).

Claims 61, 76, 79, and 87 are similar in scope to claims 48, 53, 53, and 53 respectively, and are therefore rejected under similar rationale.

10. Claims 49 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshino et al. ("Yoshino", US 6,131,111) in view of Tsutsumitake (US 5,847,206).

As per claims 49 and 51, Yoshino does not specifically teach the identification information to include version information indicating a version of the screen display data. However, it is known in the art that screen display data can include version information. For instance, Tsutsumitake teaches identifier information and determining whether or not the stored information is an updated version (col. 2, lines 33-38). Thus it would have been obvious to an artisan at the time of the invention to include version information because it ensures that the user accesses the most current information.

11. Claims 68 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al. ("Takahashi", US 5,887,193) in view of Tsutsumitake (US 5,847,206).

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As per claims 68 and 71, Takahashi does not specifically teach the identification information to include version information indicating a version of the screen display data. However, it is known in the art that screen display data can include version information. For instance, Tsutsumitake teaches identifier information and determining whether or not the stored information is an updated version (col. 2, lines 33-38). Thus it would have been obvious to an artisan at the time of the invention to include version information because it ensures that the user accesses the most current information.

Response to Arguments

12. Applicant's arguments filed 6/26/03 and 7/15/03 have been fully considered but they are not persuasive. Applicants argued that none of the applied prior art, singly or in combination, teaches the step of updating a controller based on a state of change of a device to ensure that the controller and the device can share the same state information. The Examiner disagrees for the following reasons. Yoshino indicates the use of this feature (figures 18-19; column 11, lines 49 et seq.), where Yoshino describes how in response to user input, the state of change of the device which results in the updating to the display screen information. The display screen information is then passed on the controller in order to be displayed on the user interface. This feature is also similarly depicted and described by Takahashi (figures 36(a)-36(b); col. 24, lines 22 et seq.).

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquires

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sy Luu whose telephone number is (703) 305-0409. The examiner can normally be reached on Monday - Thursday from 7:00 am to 4:30 pm (EST). The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



**SY D. LUU
PRIMARY EXAMINER**